



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98,365-B1)

In the application of:

Kathleen E. Rodgers, et al.

Serial No: 09/772,819

Filed: January 30, 2001

For: Methods for Accelerating Bone,  
Cartilage and Connective  
Tissue Growth

Art Unit: 1654

Examiner: Audet

Confirmation: 3008

RECEIVED  
AUG 16 2005  
OFFICE OF PETITIONS

RECEIVED

JUL 25 2005

OFFICE OF PETITIONS

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**APPLICANT'S COMMENT ON PATENT TERM ADJUSTMENT CALCULATION  
AND FILING OF TERMINAL DISCLAIMER**

Dear Sir:

Applicants wish to make the following of record in the above identified patent application:

- 1) Applicants are in agreement with the calculation of the Office, noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed October 6, 2004, that the Patent Term Adjustment to date is 482 days.
- 2) Applicants note that a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent has been filed in this application, which may alter the applicability of the Patent Term Adjustment.

Respectfully submitted,  
McDonnell Boehnen Hulbert & Berghoff LLP

Date: 7-15-05

By: David S. Harper

David S. Harper  
Registration No. 42,636



NOTICE *206/1670*  
~~SECRET~~

**For: Methods for Accelerating Bone, Cartilage  
and Connective Tissue Growth**

Confirmation No.: 3008

RECEIVED

AUG 16 2005

## OFFICE OF PETITIONS

RECEIVED

JUL 25 2005

OFFICE OF PETITIONS

In regard to the above identified application,

1. We are transmitting herewith the attached:

- ☒ Applicant's Comment of Patent Term Adjustment Calculation and Filing of Terminal Disclaimer (1 sheet);
- ☒ Return Receipt Postcard.

2. With respect to additional fees:

- ☒ No fee is required.
- ☒ Please charge any additional fees or credit overpayment to Deposit Account No.13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee," mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15<sup>th</sup> day of July, 2005 under Express Mail Certificate No. EV722672722US.

Respectfully submitted,

By:

David S. Harper

Registration No. 42,636 **OIPE/IAP**

**RECEIVED**

AUG 15 2005

**McDONNELL BOEHNEN,  
HULBERT & BERGHOFF**  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
TELEPHONE (312) 913-0001